



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021

## MINUTES OF PROCEEDINGS

No 34

**TUESDAY, 30 NOVEMBER 2021**

- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

*This is Ngunnawal Country.*

*Today we are gathering on Ngunnawal country.*

*We always pay respect to Elders, female and male, and Ngunnawal country.*

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### 2 PETITIONS—PETITIONS NOTED—PAPER

The Clerk announced that the following Members had lodged petitions for presentation:

Dr Paterson, from 741 residents, requesting that the Assembly call on the ACT Government to provide an update on the “Eating Disorder Position Statement”, refresh the position statement, detail actions that have been taken and commit to reviewing resources and support for the program (e-Pet 34-21).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Health and Community Wellbeing.

Ms Davidson, from 1271 residents, requesting that the Assembly call on the ACT Government to build and own a multipurpose indoor sports stadium in the Woden Town Centre that can be hired at a reasonable cost by local community sport groups (e-Pet 23-21).

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Planning, Transport and City Services.

Mrs Jones, from 374 and 115 residents, respectively, requesting that the Assembly call on the ACT Government to provide a grant to upgrade Phillip Pool and ensure the pool is kept open until it or another outdoor pool is available in the long term for the people of Woden (e-Pet 42-21 and pet 47-21).

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The Speaker proposed—That the petitions so lodged be noted.

Debate ensued.

*Paper:* Mrs Jones, by leave, presented the following paper:

Petition which does not conform with the standing orders—Phillip Pool—Mrs Jones (194 signatures).

Question—put and passed.

### **3 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REFERENCE—PHILLIP POOL—PETITIONS AND OUT-OF-ORDER PETITION**

Mrs Jones, by leave, moved—That the petitions and out-of-order petition relating to the Phillip Pool be referred to the Standing Committee on Planning, Transport and City Services.

Question—put and passed.

### **4 PLANNING, TRANSPORT AND CITY SERVICES—STANDING COMMITTEE—REPORT 7—ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021 AND ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021 (NO 2)—REPORT NOTED**

Ms Orr (Chair), pursuant to order, presented the following report:

Planning, Transport and City Services—Standing Committee—Report 7—*Road Transport Legislation Amendment Bill 2021 and Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2)*, dated 18 November 2021, including a dissenting report (Ms Clay), together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

**5 DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021—SELECT COMMITTEE—REPORT—INQUIRY INTO THE DRUGS OF DEPENDENCE (PERSONAL USE) AMENDMENT BILL 2021—REPORT NOTED**

Mr Cain (Chair), pursuant to order, presented the following report:

Drugs of Dependence (Personal Use) Amendment Bill 2021—Select Committee—Report—*Inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021*, dated 25 November 2021, including a dissenting report (Mr Cain), together with a copy of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

**6 EDUCATION AND COMMUNITY INCLUSION—STANDING COMMITTEE—INQUIRY—AUDITOR-GENERAL'S REPORT NO 6/2021—TEACHING QUALITY IN A.C.T. PUBLIC SCHOOLS—STATEMENT BY CHAIR**

Mr Pettersson (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Education and Community Inclusion had resolved to conduct an inquiry into and report on Auditor-General's Report No 6/2021—Teaching Quality in ACT Public Schools.

**7 APPROPRIATION BILL 2021-2022**

The Assembly, according to order, resumed further consideration at the detail stage—

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*Detail Stage*

Schedule 1—Appropriations—Proposed expenditure—

Consideration resumed on Part 1.14—City Renewal Authority—

Debate continued.

Proposed expenditure agreed to.

Part 1.15—Legal Aid Commission (ACT)—debated and agreed to.

Part 1.16—Cultural Facilities Corporation—debated and agreed to.

Part 1.17—ACT Executive—agreed to.

Part 1.18—ICON Water Limited—agreed to.

Part 1.19—Office of the Work Health and Safety Commissioner—debated and agreed to.

Part 1.20—ACT Gambling and Racing Commission—debated and agreed to.

Part 1.21—Public Trustee and Guardian—debated and agreed to.

Part 1.22—Independent Competition and Regulatory Commission—agreed to.

Total appropriated to Territory entities—agreed to.

Part 1.23—Treasurer’s Advance—agreed to.

Part 1.24—Capital Works Reserve—agreed to.

Total appropriations—agreed to.

Clauses 1 to 10, by leave, taken together and agreed to.

Title—debated and agreed to.

Question—That this Bill be agreed to—put.

The Assembly voted—

AYES, 16		NOES, 9	
Mr Barr	Mr Gentleman	Mr Cain	Mr Parton
Ms Berry	Ms Orr	Ms Castley	
Mr Braddock	Dr Paterson	Mr Hanson	
Ms Burch	Mr Pettersson	Mrs Jones	
Ms Cheyne	Mr Rattenbury	Mrs Kikkert	
Ms Clay	Mr Steel	Ms Lawder	
Ms Davidson	Ms Stephen-Smith	Ms Lee	
Mr Davis	Ms Vassarotti	Mr Milligan	

And so it was resolved in the affirmative—Bill agreed to.

## 8 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2021-2022

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

## 9 QUESTIONS

Questions without notice were asked.

## 10 PRESENTATION OF PAPER

The Speaker presented the following paper:

Public Accounts—Standing Committee—Report 2—Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022—ACT Ombudsman’s response to Recommendation 19, dated 16 November 2021.

## 11 PRESENTATION OF PAPERS

Mr Gentleman (Manager of Government Business) presented the following papers:

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2021 (No 4)—Disallowable Instrument DI2021-261 (LR, 22 November 2021).

Food Act—Food (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-264 (LR, 22 November 2021).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-265 (LR, 22 November 2021).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-267 (LR, 22 November 2021).

Nature Conservation Act—

Nature Conservation (Canberra Nature Park) Reserve Management Plan 2021—Disallowable Instrument DI2021-268 (LR, 22 November 2021).

Nature Conservation (Scientific Committee) Appointment 2021 (No 2)—Disallowable Instrument DI2021-256 (LR, 18 November 2021).

Public Health Act—Public Health (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-262 (LR, 22 November 2021).

Public Place Names Act—Public Place Names (Coombs) Determination 2021—Disallowable Instrument DI2021-260 (LR, 18 November 2021).

Radiation Protection Act—Radiation Protection (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-266 (LR, 22 November 2021).

Tobacco and Other Smoking Products Act—Tobacco and Other Smoking Products (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-263 (LR, 22 November 2021).

University of Canberra Act—

University of Canberra Council Appointment 2021 (No 2)—Disallowable Instrument DI2021-257 (LR, 18 November 2021).

University of Canberra Council Appointment 2021 (No 3)—Disallowable Instrument DI2021-258 (LR, 18 November 2021).

University of Canberra Council Appointment 2021 (No 4)—Disallowable Instrument DI2021-259 (LR, 18 November 2021).

## 12 PUBLIC PLACE NAMES AMENDMENT BILL 2021

Dr Paterson, pursuant to notice, presented A Bill for an Act to amend the *Public Place Names Act 1989*.

*Paper:* Dr Paterson presented an explanatory statement to the Bill.

Title read by Clerk.

Dr Paterson moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Gentleman—Minister for Planning and Land Management) and the resumption of the debate made an order of the day for the next sitting.

## 13 WORKERS COMPENSATION DATA—PRIVACY BREACH

Ms Lee (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes that *The Canberra Times* article of 25 November 2021 reported that workers compensation data was publicly available online, resulting in a serious privacy breach for 30 000 public sector employees;
- (2) recognises:
  - (a) that this incident has led to a loss of confidence in the ACT Government to protect employee confidentiality; and
  - (b) caused significant distress to employees whose personal information was included in this data breach; and
- (3) calls on the ACT Government to:
  - (a) establish an independent external review into the breach of workers compensation data breach as reported in *The Canberra Times* on 25 November 2021;
  - (b) table the terms of reference of the review, including the details of the reviewer, in this Assembly by the last sitting day in February 2022; and
  - (c) table the findings of the independent external review in this Assembly by the last sitting day in September 2022.

*Paper:* Mr Steel (Special Minister of State) presented the following paper:

Access to ACT Public Sector workers compensation data—Copy of letter to the Australian Information Commissioner and Privacy Commissioner from the Executive Group Manager, Procurement ACT, dated 30 November 2021.

Mr Steel moved the following amendment: Omit all text after “That this Assembly”, substitute:

- “(1) notes that:
- (a) de-identified information relating to historic workers compensation claims was published on the Tenders ACT website in 2018 as part of an ACT Government procurement process;
  - (b) this spreadsheet was intentionally prepared and made available to assist potential suppliers in preparing their responses to the Government’s Request for Tender;

- (c) the spreadsheet did not include any of the following identifying information about the individual records contained within it:
    - (i) names;
    - (ii) dates of birth;
    - (iii) addresses;
    - (iv) contact details;
    - (v) employee identification numbers; or
    - (vi) specific roles or positions;
  - (d) the spreadsheet was available to registered users on the Tenders ACT website for an initial period associated with the conduct of the tender in 2018, before being removed from public display. A systems change in 2020 inadvertently resulted in this becoming accessible to registered users again; and
  - (e) the spreadsheet has now been removed from the Tenders ACT website and is no longer accessible to registered users outside of government;
- (2) further notes that:
- (a) under arrangements associated with the *Information Privacy Act 2014* (ACT) the Australian Information Commissioner exercises some of the functions of the ACT Information Privacy Commissioner, including assessing ACT public sector agencies' compliance with the Information Privacy Act;
  - (b) while the Act does not have a mandatory notification scheme, a referral may be made to the Australian Information Commissioner to obtain advice and assistance to determine an appropriate course of action in relation to matters covered by the Act; and
  - (c) the Special Minister of State has directed the Chief Minister, Treasury and Economic Development Directorate to make a self-referral about this matter to the Office of the Australian Information Commissioner and this referral has now been made;
- (3) calls on the Government to:
- (a) co-operate fully with any investigation the Australian Information Commissioner may choose to initiate in this release of workers compensation data; and
  - (b) report back to the Assembly on the outcomes of any action, decision or investigation undertaken by the Australian Information Commissioner within three months of receiving advice about this; and
- (4) calls on members of the ACT Legislative Assembly to:
- (a) declare whether they or their offices accessed the spreadsheet in question before Wednesday, 24 November 2021 and whether they provided copies of this, or web links to it, to any third party external to their offices on or before that date; and

- (b) take steps to ensure that any copies of the spreadsheet held by MLA offices are deleted.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 14		NOES, 8	
Ms Berry	Ms Orr	Mr Cain	Mr Parton
Mr Braddock	Dr Paterson	Ms Castley	
Ms Burch	Mr Pettersson	Mr Hanson	
Ms Cheyne	Mr Rattenbury	Mrs Kikkert	
Ms Clay	Mr Steel	Ms Lawder	
Ms Davidson	Ms Stephen-Smith	Ms Lee	
Mr Gentleman	Ms Vassarotti	Mr Milligan	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) de-identified information relating to historic workers compensation claims was published on the Tenders ACT website in 2018 as part of an ACT Government procurement process;
  - (b) this spreadsheet was intentionally prepared and made available to assist potential suppliers in preparing their responses to the Government’s Request for Tender;
  - (c) the spreadsheet did not include any of the following identifying information about the individual records contained within it:
    - (i) names;
    - (ii) dates of birth;
    - (iii) addresses;
    - (iv) contact details;
    - (v) employee identification numbers; or
    - (vi) specific roles or positions;
  - (d) the spreadsheet was available to registered users on the Tenders ACT website for an initial period associated with the conduct of the tender in 2018, before being removed from public display. A systems change in 2020 inadvertently resulted in this becoming accessible to registered users again; and
  - (e) the spreadsheet has now been removed from the Tenders ACT website and is no longer accessible to registered users outside of government;



- (2) further notes that:
  - (a) under arrangements associated with the *Information Privacy Act 2014* (ACT) the Australian Information Commissioner exercises some of the functions of the ACT Information Privacy Commissioner, including assessing ACT public sector agencies' compliance with the Information Privacy Act;
  - (b) while the Act does not have a mandatory notification scheme, a referral may be made to the Australian Information Commissioner to obtain advice and assistance to determine an appropriate course of action in relation to matters covered by the Act; and
  - (c) the Special Minister of State has directed the Chief Minister, Treasury and Economic Development Directorate to make a self-referral about this matter to the Office of the Australian Information Commissioner and this referral has now been made;
- (3) calls on the Government to:
  - (a) co-operate fully with any investigation the Australian Information Commissioner may choose to initiate in this release of workers compensation data; and
  - (b) report back to the Assembly on the outcomes of any action, decision or investigation undertaken by the Australian Information Commissioner within three months of receiving advice about this; and
- (4) calls on members of the ACT Legislative Assembly to:
  - (a) declare whether they or their offices accessed the spreadsheet in question before Wednesday, 24 November 2021 and whether they provided copies of this, or web links to it, to any third party external to their offices on or before that date; and
  - (b) take steps to ensure that any copies of the spreadsheet held by MLA offices are deleted."—

be agreed to—put and passed.

#### **14 DRYLAND OVALS—LAND MANAGEMENT PLANS**

Ms Clay, pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) the ACT has 31 dryland ovals, including 14 in the Belconnen region and these make up a significant part of our outdoor community space;
  - (b) climate change is leading to a hotter, drier Canberra climate;
  - (c) these 31 dryland ovals were converted from irrigated sports fields due to the millennium drought, the cost of irrigation and the increasing amount of water needed to upkeep these sports fields;
  - (d) the cost to convert a dryland oval back into an irrigated sports field is more than one million dollars and the upkeep on these fields is considerable;

- (e) dryland ovals are now first and foremost informal sporting and recreation spaces available to use for the whole community;
  - (f) dryland ovals are a community resource that are currently underutilised and residents near these ovals would like a better use of this large amount of local community space;
  - (g) ACT Government values dryland ovals as a community and recreational space, and wants to preserve them as publicly-owned green spaces;
  - (h) local communities provide valuable feedback about what is in and around their suburbs, and should play an active role in the development of their suburb;
  - (i) some communities are already well advanced in discussions with ACT Government about the future of their dryland oval, such as the Florey community who have been engaging with the Florey Primary School over the past year; and
  - (j) community members have suggested many low-cost climate resilient ways that dryland ovals could be repurposed for community use, including but not limited to:
    - (i) community-constructed BMX dirt bike tracks;
    - (ii) nature playgrounds;
    - (iii) community run micro-forests or urban rewilding projects;
    - (iv) adventure playgrounds;
    - (v) enclosed dog off-leash areas;
    - (vi) community gardens;
    - (vii) outdoor exercise areas; and
    - (viii) disc golf courses;
- (2) further notes that the ACT Government:
- (a) recently released a draft Play Space Strategy and is currently consulting on this;
  - (b) is due to commence a review of Public Land Management Plans for urban open spaces, including dryland ovals, in 2022; and
  - (c) has an Adopt-a-Park program, which provides grants funding to support community-led initiatives on urban open area land, including micro-forests; and
- (3) calls on the ACT Government to:
- (a) conduct public consultation on land management plans for urban open spaces with the local community, including on the 31 dryland ovals, with residents, local Parent & Citizen groups, local businesses and local community groups;

- (b) finalise updated land management plans, which will include specific consideration of dryland ovals and incorporate the feedback and aspirations on their future use received from the local community;
- (c) promote the Adopt-a-Park initiative and engage closely with community groups wanting to start projects to improve dryland ovals and other open spaces for community uses;
- (d) continue to work with the Florey Primary School and the community on commitments to improve the Florey oval to provide more active open space for the school and local community; and
- (e) report back to the Assembly on progress on this motion by the first sitting week in 2023.

Mr Cain moved the following amendment: After paragraph (3)(d), insert:

“(da) explicitly exclude the ACT’s dryland ovals from future residential and commercial development;”.

Debate continued.

Ms Orr moved the following amendment to Mr Cain’s proposed amendment: After “development”, insert “subject to consultation with the community;”.

Debate continued.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) the ACT has 31 dryland ovals, including 14 in the Belconnen region and these make up a significant part of our outdoor community space;
  - (b) climate change is leading to a hotter, drier Canberra climate;
  - (c) these 31 dryland ovals were converted from irrigated sports fields due to the millennium drought, the cost of irrigation and the increasing amount of water needed to upkeep these sports fields;
  - (d) the cost to convert a dryland oval back into an irrigated sports field is more than one million dollars and the upkeep on these fields is considerable;
  - (e) dryland ovals are now first and foremost informal sporting and recreation spaces available to use for the whole community;
  - (f) dryland ovals are a community resource that are currently underutilised and residents near these ovals would like a better use of this large amount of local community space;
  - (g) ACT Government values dryland ovals as a community and recreational space, and wants to preserve them as publicly-owned green spaces;

- (h) local communities provide valuable feedback about what is in and around their suburbs, and should play an active role in the development of their suburb;
  - (i) some communities are already well advanced in discussions with ACT Government about the future of their dryland oval, such as the Florey community who have been engaging with the Florey Primary School over the past year; and
  - (j) community members have suggested many low-cost climate resilient ways that dryland ovals could be repurposed for community use, including but not limited to:
    - (i) community-constructed BMX dirt bike tracks;
    - (ii) nature playgrounds;
    - (iii) community run micro-forests or urban rewilding projects;
    - (iv) adventure playgrounds;
    - (v) enclosed dog off-leash areas;
    - (vi) community gardens;
    - (vii) outdoor exercise areas; and
    - (viii) disc golf courses;
- (2) further notes that the ACT Government:
- (a) recently released a draft Play Space Strategy and is currently consulting on this;
  - (b) is due to commence a review of Public Land Management Plans for urban open spaces, including dryland ovals, in 2022; and
  - (c) has an Adopt-a-Park program, which provides grants funding to support community-led initiatives on urban open area land, including micro-forests; and
- (3) calls on the ACT Government to:
- (a) conduct public consultation on land management plans for urban open spaces with the local community, including on the 31 dryland ovals, with residents, local Parent & Citizen groups, local businesses and local community groups;
  - (b) finalise updated land management plans, which will include specific consideration of dryland ovals and incorporate the feedback and aspirations on their future use received from the local community;
  - (c) promote the Adopt-a-Park initiative and engage closely with community groups wanting to start projects to improve dryland ovals and other open spaces for community uses;
  - (d) continue to work with the Florey Primary School and the community on commitments to improve the Florey oval to provide more active open space for the school and local community;

- (e) explicitly exclude the ACT's dryland ovals from future residential and commercial development, subject to consultation with the community; and
- (f) report back to the Assembly on progress on this motion by the first sitting week in 2023."—

be agreed to—put and passed.

## 15 EMERGENCIES AMENDMENT BILL 2021

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

*Paper:* Mr Gentleman (Minister for Police and Emergency Services) presented the following paper:

Emergencies Amendment Bill 2021—Copy of Government response to the Chair of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), dated 29 November 2021.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

## 16 ADJOURNMENT

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.36 pm, adjourned until tomorrow at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**Tom Duncan**  
Clerk of the Legislative Assembly